No. 80-833

Supreme Court, U.S.
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ALEXANDER L. STEVAS,
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IN THE

Supreme Court of the United States

OCTOBER TERM 1980

LOCAL UNION NO. 35, OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,

Petitioner,

v.

CITY OF HARTFORD, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

RESPONDENTS' REPLY TO SUPPLEMENTAL BRIEF

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RESPONDENTS' REPLY TO SUPPLEMENTAL BRIEF

This brief is submitted in reply to the Supplemental Brief filed by the petitioner in support of its petition for a writ of *certiorari*. Petitioner cites a recent decision by the Connecticut Supreme Court holding that the City of New Haven lacks the power to create a Commission on Equal Opportunity with power to hear complaints of discrimination in private employment and enter remedial orders where discrimination is determined. *New Haven Commission on Equal Opportunities, ex rel. John R. Washington v. Yale University* and *Visiting Nurses Association of New Haven, Inc. v. The Commission on Equal Opportunities of the City of New Haven,* Vol. XLII, No. 42 Conn. Law Journal, April 14, 1981, pp. 1-4. Petitioner contends that this recent Connecticut ruling supports its claim that the City of Hartford lacked authority to adopt the challenged affirmative action ordinance and plan.*

The Connecticut Supreme Court's ruling as to New Haven's authority to adopt a fair employment ordinance has absolutely no relevance to the instant matter. The fact that a Connecticut municipality may have lacked state delegated authority to regulate discrimination in private employment within its jurisdiction, does not mean that a municipality is foreclosed from eliminating discrimination in its public contracts. Obviously, a municipality's attempt to regulate private employment practices presents separate and distinct issues from those involved in a review of a municipality's authority to set standards for its contracts.

Hartford has the state delegated authority to contract and to establish conditions with respect to the making and carrying out

*The petitioner made this same argument in the Court of Appeals relying at the time on the New Haven ruling as decided by a lower Connecticut court. Petitioner raised this issue unsuccessfully in the Court of Appeals pursuant to a motion for rehearing and modification of the Court's decision.

of its contracts. The Hartford City Charter, which has been approved by the Connecticut Legislature, specifically provides that the Hartford Council, "shall establish by ordinance, rules and regulations under which contracts shall be made and carried out for all public works and improvements." Hartford City Charter, Ch. VIII, §11. See respondents' Brief in Opposition, p. 9.

In addition, the City may, pursuant to the Hartford Charter, Ch. II, §5, "adopt ordinances . . . for the preservation of the public peace, health, safety, comfort and welfare of the inhabitants of the city. . . ." See Petition, p. xviii. Moreover, the Charter provides a general grant of power which reads:

> The city shall have not only all the powers specifically granted by this charter but all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the city the exercise of which is not expressly forbidden by the constitution and general statutes of the State of Connecticut. Hartford Charter, Ch. II, §7, Petition, p. xviii.

The affirmative action ordinance and plan challenged in this case sets rules and regulations only with respect to City construction jobs. It does not undertake to regulate or prohibit discrimination in private employment. Hartford has not attempted, as did the City of New Haven, to regulate alleged discrimination among private employers who are located within its jurisdiction. The case cited by petitioner in its Supplemental Brief, therefore, has nothing whatsoever to do with the issues raised in this case.

CONCLUSION

For the foregoing reasons, and for the reasons set forth in respondents' Brief in Opposition, the petition for writ of *certiorari* should be denied.

Dated: May 5, 1981

Respectfully submitted,

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